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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/911,647	07/23/2001	Gustavo M. Guillemin	10006508-1	3601

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EXAMINER

BROOKS, MATTHEW L

ART UNIT	PAPER NUMBER
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3629

DATE MAILED: 09/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/911,647	GUILLEMIN, GUSTAVO M.	
	Examiner	Art Unit	
	Matthew L. Brooks	3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 July 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

[Handwritten signature]

DETAILED ACTION

Claim Objections

1. Claims 1, 2, 3, 4, 5, 6 are objected to because of the following informalities: In the preamble the Applicant states "...to monitor machine usage..." then follows by stating "...pertaining to machines...". The above machine/machines usage is confusing to the Examiner. Appropriate correction is required.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-19 are rejected under 35 U.S.C. 102(e) as being clearly taught by Pub. No.: US 2002/0077889 A1 (Kolls).

3. With respect to **Claim 1**: Kolls discloses

A method for using biometric characteristics to monitor machine usage, comprising the steps of:

providing a database of information pertaining to machines to be monitored and biometric characteristics of a group of users of the machines ([0039] and [0086] "customer ID");

providing the machines to be monitored with mechanisms for determining biometric characteristics of users of the machines during usages of the machines([0051] and [0151]);

employing a communications mechanism to transmit the biometric characteristics of the users of the machines, and machine usage information associated with the usages of the machines, to a processor which has access to the database of information ([0039]); and

employing the processor to process the biometric characteristics of the users of the machines, the machine usage information, and information from the database to determine amounts to be allocated for the usages of the machines ([0039], [0106], [0122], [0154], [0155] and (Fig 1, 60)).

4. With respect to **Claim 2**: Kolls discloses

the database also includes information associating the users of the machines with one or more accounts ([0154], [0155] and (Fig 1, 10-30)).

5. With respect to **Claim 3**: Kolls discloses

assigning the amounts to the one or more accounts depending upon the biometric characteristics of the users of the machines, the machine usage information,

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and/or the information from the database ([0122-0124], [0154], [0155], and (Fig 1, 60-70)).

6. With respect to **Claim 4**: Kolls discloses

the one or more accounts include a business account associated with at least one of the users of the machines [0125] "corporate accounts" and (Fig 3)).

7. With respect to **Claim 5**: Kolls discloses

the one or more accounts include a personal account of one of the users of the machines ([0125] ie; "VIP" and (Fig 2)).

8. With respect to **Claim 6**: Kolls discloses

the database also includes information pertaining to machine usage authorizations and/or limitations, if any, for the users of the machines ([0039], [0046] and (Fig 1, 30-40)).

9. With respect to **Claim 7, 8 and 9**: Kolls discloses

the biometric characteristics include physiological traits and behavioral traits ([0051], [0151], [0114]).

10. With respect to **Claim 10**: Kolls discloses

the communications mechanism comprises a network ([0045] and (Fig 14, 1208)).

11. With respect to **Claim 11**: Kolls discloses

transmitting machine usage information and biometric characteristic information of a user of a machine to a processing center which includes a processor configured to process the machine usage information and to allocate a machine usage charge

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depending upon the biometric characteristic information ([0046], [0126-0132], [0154-0155] and (Fig 1)).

12. With respect to **Claim 12 and 13**: Kolls discloses

employing a biometric characteristic determining mechanism to acquire a biometric characteristic of a user of a machine during a usage of the machine by the user [0051]); and

processing information pertaining to the usage of the machine and the biometric characteristic to determine a machine usage charge ([0128], [0154], [0155] and (Fig 1, 60-70)).

allocating the machine usage charge to an account associated with the user of the machine ([0128], [0154], [0155] and (Fig 1, 60-70)).

13. With respect to **Claim 14 and 15**: Kolls discloses

the machine comprises a printer and/or photocopier ("copier") ([0044] and Fig 5)).

14. With respect to **Claim 16**: Kolls discloses

a processor configured to process machine usage information to determine a machine usage charge and to allocate the machine usage charge depending upon biometric characteristic information associated with the machine usage information ([0047], [0050], [0151], [0154-0155] and (Fig 1)).

15. With respect to **Claim 17, 18, and 19**: Kolls discloses

the processor is configured to allocate the machine usage charge to one or more of a plurality of accounts depending upon a location of a machine that was used, or a

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time that a machine was used, or whether a usage of a machine was authorized ([0004], [0047], [0139], (Fig1, 50-70)).

Conclusion

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- A. Pub. No.: US 2001/0016819 A1 (Kolls)
- B. Pub. No.: US 2002/0107792 A1 (Anderson)
- C. Pub. No.: US 2002/0186844 A1 (Levy et al.)
- D. Pub. No.: US 2002/0138828 A1 (Robohm et al.)
- F. Patent No.: 6,243,450 (Jansen et al.)
- G. Patent No.: 6,035,403 (Subbiah et al.)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew L. Brooks whose telephone number is (571) 272-8112. The examiner can normally be reached on Monday - Friday; 8 AM - 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-8112. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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